

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

**TAMMY L DAVIS**  
Claimant

**APPEAL NO. 13A-UI-12264-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**CAPTIVE PLASTICS INC**  
Employer

**OC: 10/06/13**  
**Claimant: Appellant (2)**

Iowa Code § 96.5(2)a – Discharge/Misconduct  
Iowa Code § 730.5 – Private Sector Drug-free Workplaces

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the October 24, 2013, (reference 01) unemployment insurance decision that denied benefits. After due notice was issued, a hearing was held on November 21, 2013. Claimant participated. Employer did participate through Sandy Simpson, Plant Administrator. Employer's Exhibit One was entered and received into the record.

**ISSUE:**

Was the claimant discharged due to job-connected misconduct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: The representative's decision the claimant appealed from dated October 24, 2013, reference 01, denied benefits effective October 4, 2013. In a representative's decision dated November 1, 2013, reference 02 amending reference 01, the agency reversed that denial and allowed benefits effective October 4, 2013. It was found that the employer did not establish willful or deliberate misconduct. An appeal hearing was held on reference 02 and a decision issued in 13A-UI-12546-H2T.

**REASONING AND CONCLUSIONS OF LAW:**

Inasmuch as the agency reversed the prior disqualification prior to the hearing, there is no issue for the administrative law judge to adjudicate.

**DECISION:**

The representative's decision dated October 24, 2013, reference 01, is reversed so as to be consistent with the subsequent agency action. Benefits are allowed, provided the claimant is otherwise eligible.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/css